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Attorneys for Defendants  
Nationwide Mutual Insurance Company; Allied  
Insurance Group, Inc.; and AMCO Insurance  
Company

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FLYING V, LLC, a California Limited  
Liability Company, MARSH'S  
CARPETS, INC., a California  
Corporation,

## Plaintiffs,

v.

NATIONWIDE MUTUAL  
INSURANCE COMPANY; ALLIED  
INSURANCE GROUP, INC.; and  
AMCO INSURANCE COMPANY; and  
DOES 1-100, inclusive,

### Defendants.

Case No. 2:20-CV-02370-MCE-AC

**STIPULATION AND ORDER  
SETTING BRIEFING  
SCHEDULE FOR MOTION TO  
REMAND AND EXTENDING  
TIME FOR DEFENDANTS TO  
RESPOND TO COMPLAINT**

Judge: Hon. Morrison C. England, Jr.

Complaint Filed: October 29, 2020

1 Pursuant to Civil Local Rule 143, Defendants Nationwide Mutual Insurance  
2 Company; Allied Insurance Group, Inc.; and AMCO Insurance Company  
3 (“Defendants”) and Plaintiff Flying V, LLC and Marsh’s Carpets, Inc.  
4 (“Plaintiffs”), by and through their respective counsel, hereby stipulate as follows:

5 WHEREAS, Plaintiff served its Complaint (“Complaint”) on Nationwide,  
6 AMCO and Allied [Dkt. 1];

7 WHEREAS, Defendants timely removed this action from the Superior Court,  
8 for the County of Sacramento to this Court on November 27, 2020;

9 WHEREAS, Plaintiff anticipates filing a motion to remand this action to the  
10 State Court within thirty (30) days after the filing of the Notice of Removal (*i.e.*, by  
11 December 28, 2020);

12 WHEREAS, pursuant to Federal Rule of Civil Procedure 81(c)(2),  
13 Defendants’ current deadline to respond to Plaintiffs’ Complaint is December 4,  
14 2020;

15 WHEREAS, no extensions of time have previously been obtained by the  
16 parties;

17 WHEREAS, the parties agree that it would result in the needless expenditure  
18 of private and judicial resources for any defendant to respond to the complaint until  
19 after the motion for remand is decided and it is known whether this case will  
20 proceed in this Court or in State Court;

21 **IT IS ACCORDINGLY STIPULATED**, by and between the undersigned  
22 counsel for the parties, that Defendants’ obligation to answer, move or otherwise  
23 respond to the complaint is stayed pending resolution of any motion to remand. If  
24 the Court denies the motion to remand, the parties agree that Defendants’ obligation  
25 to answer, move or otherwise respond to the complaint shall be extended 21 days  
26 after the date the Court issues said order, or 21 days after plaintiff files an amended  
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1 complaint as set forth in the Court's Initial Pretrial Scheduling Order. If the Court  
2 grants the motion to remand, the parties agree that defendants' obligation to answer,  
3 move or otherwise respond to the complaint shall be extended 21 days after the  
4 State Court receives the case on remand.

5 Dated: December 2, 2020

Squire Patton Boggs (US) LLP

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7 By: /s/ G. David Godwin

8 G. David Godwin  
9 Attorneys for Defendants  
10 Nationwide Mutual Insurance  
11 Company; Allied Insurance Group,  
12 Inc.; and AMCO Insurance  
13 Company

14 Dated: December 2, 2020

Desmond, Nolan, Livaich & Cunningham

15 By: /s/ Brian Manning (as authorized on  
16 12/2/2020)

17 Brian Manning (CA Bar No. 241512)  
18 15<sup>th</sup> & S Building  
19 Sacramento, California 95811  
T: (916) 443.2051  
20 Attorneys for Plaintiffs Flying V, LLC  
21 and Marsh's Carpets, Inc.

22 IT IS SO ORDERED.

23 Dated: December 7, 2020

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MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

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